

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**Gary Thelen,  
Thomas Thelen,**

**Civil No. 08-1150 (JNE/JJG)**

Plaintiffs,

v.

**ORDER**

**City of Elba, et al.,**

Defendants.

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This matter is before the undersigned on the report and recommendation of the United States Magistrate Judge. No objections have been filed to that report and recommendation in the time period permitted. Based on the report and recommendation of the Magistrate Judge, and being advised of all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Mehrkens' motion to dismiss (Doc. No. 33) is **GRANTED**.
2. The City defendants' motion to dismiss (Doc. No. 37) is **GRANTED**.
3. All claims against Mehrkens are **DISMISSED** and Mehrkens is dismissed from this action.
4. The claims in counts III, IV, V, VI, and VII of the complaint, as against the remaining defendants, are **DISMISSED** in their entirety.

Dated this 22nd day of July, 2009.

s/ Joan N. Ericksen  

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JOAN N. ERICKSEN  
United States District Judge